

Application No. 10/724,367

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6

REMARKS/ARGUMENTS

Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of three months of the period for response to the Office Action. Authorization to charge the fee to our deposit account is enclosed.

The Examiner rejected claims 16 to 17 and 20 under 35 USC 102(e) as being anticipated by Fernandes and rejected claims 18 and 19 under 35 USC 103(a) as being unpatentable over Fernandes et al in view of Hevey. Reconsideration of these rejections is requested having regard to the amended form of claim 16.

Claim 16 has been amended to recite using magnetometer means to generate an electrical signal of strength proportional to near or propagating electromagnetic fields originating in the substance being detected, and recording a time course of the changes in electromagnetic field strength as an identification of the substance.

The Fernandes et al reference relates to a photometer which measures absorbance, fluorescence and luminescence in a sample. Fernandes et al does not disclose or suggest using magnetometer means to generate an electrical signal of strength proportion to near or propagating electromagnetic fields as required by claim 16. Hevey would not appear to make up the deficiencies of Fernandes et al in this regard.

Accordingly, it is submitted that all claims are patentable over the applied prior art and hence the rejection of claims 16 to 17 and 20, in their amended form, under 35 USC 102(e) as being anticipated by Fernandes et al and claims 18 and 19 under 35 USC 103(a) as being unpatentable over Fernandes et al in view of Hevey, should be withdrawn.

Application No. 10/724,367

7

The Examiner rejected claims 16, 17 and 20 under 35 USC 102(e) as being clearly anticipated by Smith US Patent No. 5,818,231. Reconsideration is requested having regard to the amended form of claim 16.

As noted above, claim 16 has been amended to recite using magnetometer means to generate an electrical signal of strength proportional to near or propagating electromagnetic fields originating in the substance being detected and recording a time course of the changes in electromagnetic field strength as an identification of the substance.

The Smith reference is concerned with magnetic resonance imaging (MRI). In conventional MRI imaging, the user prospectively chooses pulse sequences that are believed most likely to answer the clinical question being studied. As such, the user applies sequences that have been chosen to maximize the information acquired from a sample being tested. The user then applies pattern recognition techniques to the data to retrospectively answer the specific clinical question.

However, this is quite different from applicants procedure as now defined in claim 16. Accordingly, it is submitted that claims 16, 17 and 20 are patentable over the applied art and hence the rejection thereof under 35 USC 102(e) as being anticipated by Smith, should be withdrawn.

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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